

ORDINANCE NO. 2-99

AN ORDINANCE TO REPEAL AND RECREATE ORDINANCE NO. 152
ENTITLED ~'REGULATING DOGS IN VILLAGE"
IN THE VILLAGE OF NORTH PRAIRIE,
WAUKESHA COUNTY, WISCONSIN

The Village Board of the Village of North Prairie, Waukesha, Wisconsin. do hereby ordain as follows;

SECTION I. Ordinance No. 152 is hereby repealed, and a new ordinance regulating dogs in the Village is hereby created as follows:

SECTION II. PUBLIC POLICY. It is hereby declared necessary in the interests of public health, safety and welfare that the keeping of dogs and other animals within the Village be regulated in order to prevent them from becoming public nuisances.

- a. DOGS RUNNING AT LARGE. It shall be unlawful for the owner or keeper of any dog to permit the same to run at large at any place within the Village unless accompanied by and under the control of the owner or keeper of said dog. This section does not prohibit the owner or keeper of a dog from allowing the dog to run at large upon premises owned or occupied by the owner or keeper of the dog.
- b. DOG LICENSES. Every owner or keeper of a dog more than five (5) months of age shall annually, at the time and in the manner provided by law, pay a dog license tax and obtain a license therefore as required by Wisconsin Statutes. The license fee for each dog shall be Eleven Dollars (\$11.00) for an unneutered male dog and an unspayed female and Six Dollars (\$6.00) for a neutered male and a spayed female dog. The Village board may, however, change these fees from time to time by separate resolution.
- c. KEEPING DOGS. No owner, keeper or household shall be permitted to keep more than two (2) dogs over the age of five (5) months within the limits of the Village of North Prairie except in a dog pound.
 1. Confinement of Dog. It shall be the duty of the Police Department or any other officer appointed by the Village Board to apprehend any dog running at large within the Village (except when the dog is on the premises of its owner or keeper, or is accompanied by or under the control of its owner or keeper) and confine the same in a suitable dog pound or hospital.
 2. Enforcement. The Village Board shall from time to time appoint a qualified officer to apprehend and confine dogs in a pound or hospital as herein provided, and such officer shall have the power and authority to apprehend and confine dogs as provided in this chapter and shall have the power and authority to enforce this chapter, including the right

to commence actions for the collection of any forfeiture imposed by this chapter. Such action shall be brought in the name of the Village. Such officer shall be paid such compensation as the Village Board shall determine by resolution.

3. Disposition of Unclaimed Dogs. The keeper of the pound or hospital shall keep all dogs apprehended as hereinbefore provided for a period of seven (7) days at the dog pound or hospital (unless sooner claimed by the owner or keeper), and if any dog is not reclaimed by the rightful owner within such time, the dog may be sold for the amount incurred in the apprehending, keeping and care of the dog, or it may be destroyed in a proper and humane manner.
 4. Owner or Keeper to Pay Costs. The owner or keeper of any dog so confined may reclaim such dog at any time before the same is disposed of as hereinbefore provided, upon payment of all costs and charges incurred in the apprehension, keeping and care of the dog. Such fees shall be Fifteen Dollars (\$15.00) for the apprehension and care of the dog if such dog is reclaimed within twenty-four (24) hours of apprehension. If said dog is reclaimed at any time after twenty-four (24) hours of apprehension, and up to and including the seventh (7th) day, such fee shall be Thirty Dollars (\$30. 00), plus any expenses for inoculations, medical treatment or disposal of the dog. In addition to the fees listed above, the owner or keeper of each dog shall also pay any expenses incurred by the dog pound.
- d. VICIOUS DOGS. It shall be unlawful to keep a vicious dog within the Village. A showing that a dog has bitten, attacked or injured any person shall constitute a prima facie showing that such dog is vicious.
 - e. CARE OF ANIMALS. All dogs, cats and other domestic animals kept within the Village shall be cared for, maintained and handled in a manner that shall be sanitary and so as to prevent noises, barking, fighting and howling at night so as not to disturb the peace and quiet of the neighborhood.

SECTION III. EXEMPTION FOR NEW RESIDENTS. In the event a person or persons move into the Village of North Prairie owning more than two (2) adult dogs, but less than six (6) adult dogs, the owners of those dogs shall immediately register those dogs with the Village Clerk, pay the appropriate dog license fees, and said owners shall then be permitted to maintain the dogs that were in their ownership when they moved into the Village until the number of dogs is reduced to the legal number two (2), either by death, transfer or sale, and at that time, said owners shall comply with the two-dog maximum requirement. In any event, this exemption for dogs in excess of two (2) for new

residents shall terminate at the end of ten (10) years from the date said residents took occupancy in the Village of North Prairie.

SECTION IV. PENALTIES. Any person, firm or corporation violating any of the provisions of the above and foregoing ordinance shall be punished by a fine of not less than Twenty-Five Dollars (\$25.00), nor more than Seventy-Five Dollars (\$75.00), or by imprisonment in the Waukesha County Jail at Waukesha, Wisconsin, for not less than three (3) days, nor more than thirty (30) days.

SECTION V. SEVERABILITY. The several sections, subsections, paragraphs and subparagraphs of this ordinance are hereby declared to be severable. If any section, subsection or paragraph or subparagraph of this ordinance shall be declared by a decision of a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the other provisions of this ordinance or of the section of which the invalid portion or paragraph may be a part.

SECTION VI. PROVISIONS IN CONFLICT. The provisions of this ordinance shall supplement any laws of the State of Wisconsin. Where requirements of State law and provisions of Village ordinances conflict, the stricter requirement shall govern. All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed.

SECTION VII. EFFECTIVE DATE. This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Passed and adopted this 11'th day of February 1999.

BY THE VILLAGE BOARD OF THE
VILLAGE OF NORTH PRAIRIE

STATE OF WISCONSIN VILLAGE OF NORTH PRAIRIE WAUKESHA COUNTY

ORDINANCE NO. 01-3

AN ORDINANCE TO AMEND ORDINANCE NO. 2-99 ENTITLED "REGULATING DOGS IN VILLAGE"

IN THE VILLAGE OF NORTH PRAIRIE, WAUKESHA COUNTY, WISCONSIN

The Village Board of the Village of North Prairie do ordain as follows:

SECTION II PUBLIC POLICY: a. DOGS RUNNING AT LARGE
is hereby amended as follows:

- a. **DOGS RUNNING AT LARGE.** It shall be unlawful for the owner or keeper of any dog to permit the same to run at large at any place within the Village. This section does not prohibit the owner or keeper of a dog from allowing the dog to run at large upon premises owned or occupied by the owner or keeper of said dog, provided the dog is under strict control at all times. Control is defined as the ability to regulate said dog from leaving the boundaries of the owner's property or any property occupied by the owner of said dog. The owner should also have the power to dominate said dog by verbal commands, Any dog off of the owner's property will be controlled by a leash.

SECTION III: SEVERABILITY. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION III: EFFECTIVE DATE. This ordinance shall take effect immediately upon passage and posting or ~publication as provided by law.
This ordinance passed this 12 day of July 2001.

**BY THE VILLAGE BOARD OF THE VILLAGE OF
NORTH PRAIRIE:**